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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Belgium*, Bulgaria*, Canada, Czech Republic*, Denmark, El Salvador, Finland*, Germany, Hungary*, Iceland*, Israel*, Netherlands*, Nicaragua*, Norway*, Romania*, San Marino*, Slovenia*, Sweden*, the former Yugoslav Republic of Macedonia*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1998/... Situation of human rights in Cuba

The Commission on Human Rights,

Recalling all its past resolutions on this subject, especially resolution 1992/61 and its resolution 1997/62 of 16 April 1997,

Recalling also General Assembly resolution 52/143 of 12 December 1997 regarding the situation of human rights in Cuba,

Reaffirming the universality of the obligation that all Member States have to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur on the situation of human rights in Cuba (E/CN.4/1998/69),

Expressing its concern at continued violations of human rights and fundamental freedoms in Cuba such as freedom of thought, opinion and expression, assembly and association and rights associated with the administration of justice,

1. Welcomes the recent release of a significant number of political prisoners in Cuba;

2. Also welcomes the recent increased tolerance granted to religious institutions for their activities and positive steps in the development of religious freedom in Cuba;

3. Commends the Special Rapporteur for his report and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

4. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

5. Expresses particular concern that the Government of Cuba has failed to carry out its obligation to cooperate with the Commission on Human Rights;

6. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

7. Regrets profoundly the numerous violations of human rights and fundamental freedoms described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in that area;

8. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable human rights instruments, and to end all violations of human rights including, in particular, the detention and imprisonment as well as harassment of and threats against human rights defenders and others who are

engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

9. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied, and to reintegrate them into civil society, permitting them to carry out their peaceful activities;

10. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded, including through independent and generalized collective-bargaining systems;

11. Decides to extend the mandate of the Special Rapporteur for one year, and requests him to maintain direct contacts with the Government and citizens of Cuba as mandated in past resolutions of the Commission and requests him also to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session on the result of his endeavours pursuant to the present resolution;

12. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

13. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of technical cooperation;

16. Decides to consider this question at its fifty-fifth session under the same agenda item.